On November 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17841. Adulteration and misbranding of tincture nux vomica, elixir berberine compound, elixir creosotal compound, antipyretic compound tablets, oxyquinoline vaginal suppositories, strychnine sulphate tablets, codeine sulphate tablets, and santonin and calomel tablets. U. S. v. P. J. Noyes Co. Plea of guilty. Fine, $500 and costs. (F. & D. No. 25015. I. S. Nos. 02556, 02575, 02587, 05729, 05735, 05752, 05755, 05760.)

Examination of the drugs and drug compounds from the herein-described interstate shipments showed that the articles did not conform to their respective labels. In most instances they contained less of the essential therapeutic agents than labeled; the antipyretic compound contained no acetanilide, which was declared on the label, and contained acetphenetidin, which was not declared; the elixir berberine compound contained cinchona alkaloids in excess of the amounts represented.

On November 7, 1930, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the P. J. Noyes Co., a corporation, Lancaster, N. H., alleging shipment by said company, in violation of the food and drugs act, in various consignments, between the approximate dates of May 26, 1928, and January 8, 1929, of quantities of drugs and drug compounds which were adulterated and misbranded. The articles were labeled in part: "Poison Tincture Nux Vomica U. S. P.;" "Elixir Berberine Compound * * * Each fluidounce contains about: * * * Quinine Sulphate 1–4 grain, Cinchonine Sulphate 1–8 grain, Cinchonidine Sulphate 1–8 grain;" "Elixir Creosotal Compound * * * Each Fluidounce Contains: * * * Ammonium Chloride, 8 grs.;" "Noyes Pulv. Antipyretic Comp. Antipyretic Anodyne * * * Each Ounce Contains Acetanilide 268 Grains. Each Tablet Contains Acetanilide 3 1–2 Grains;" "Oxyquinoline Vaginal Suppositories Salicylic Acid 2 grains, Boric Acid 10 grains, Quinine Alkaloid 1 grain, Oxyquinoline Sulphate 1 Grain;" "Compressed Tablets Strychnine Sulphate * * * 1–60 Grain;" "Moulded Tablets Codeine Sulphate * * * 1–8 Grain;" "Compressed Tablets Triturates. Santonin and Calomel * * * Calomel 1–8 Gr."

Adulteration of the tincture nux vomica was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded not more than 0.1835 gram of the alkaloids of nux vomica per 100 cubic centimeters, whereas the pharmacopœia provided that the article should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration of the said tincture nux vomica was alleged for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the said tincture nux vomica was alleged for the reason that the statement, to wit, "Tincture Nux Vomica, U. S. P.," was false and misleading.

Adulteration of the elixir berberine compound was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that each fluid ounce was represented to contain about one-fourth grain of quinine sulphate, one-eighth grain of cinchonine sulphate, and one-eighth grain of cinchonidine sulphate, that is, one-half grain," borne on the label, were false and misleading.
more than one-half grain of these combined sulphates per fluid ounce, to wit, not less than 0.744 grain, approximately three-fourths grain per fluid ounce.

Misbranding of the said berberine compound was alleged for the reason that the statements, to wit, "Each Fluidounce Contains About * * * Quinine Sulphate, 1–4 grain, Cinchonine Sulphate 1–8 grain, Cinchonidine Sulphate, 1–8 grain," borne on the label, were false and misleading.

Adulteration of the elixir creosotal compound was alleged for the reason that its strength and purity fell below the professed standard and quality

under which it was sold, in that each fluid ounce was represented to contain 8 grains of ammonium chloride, whereas it contained no ammonium chloride.

Misbranding of the said elixir creosotal compound was alleged for the reason that the statement, to wit, "Elixir Creosotal Compound * * * Each Fluid-ounce Contains * * * Ammonium Chloride 8 grs.," borne on the label, was false and misleading.

Adulteration of the antipyretic compound tablets was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 3½ grains of acetanilide, whereas each of the said tablets contained no acetanilide, but did contain 4.504 grains of acetphenetidin.

Misbranding of the said antipyretic compound tablets was alleged for the reason that the statement, to wit, "Each Tablet Contains Acetanilide 3 1–2 Grains," borne on the label, was false and misleading. Misbranding of the said antipyretic compound tablets was alleged for the further reason that the article contained acetphenetidin, a derivative of acetanilide, and the label failed to bear a statement of the quantity or proportion of acetphenetidin contained therein.

Adulteration of the oxyquinoline vaginal suppositories was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each suppository was represented to contain 2 grains of salicylic acid, 10 grains of boric acid, 1 grain of quinine alkaloid, and 1 grain of oxyquinoline sulphate, whereas each of said suppositories contained less of the named drugs than represented, to wit, not more than 0.75 grain of salicylic acid, not more than 8.135 grains of boric acid, not more than 0.73 grain of quinine alkaloid, and not more than 0.255 grain of oxyquinoline sulphate.

Misbranding of the said suppositories was alleged for the reason that the statements, "Suppositories Salicylic Acid 2 grains, Boric Acid 10 grains, Quinine Alkaloid 1 grain, Oxyquinoline Sulphate 1 grain," borne on the labels, were false and misleading.

Adulteration of the said santonin and calomel tablets was alleged for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain one-eighth grain of calomel, whereas each tablet contained not more than 0.111 grain of calomel, i. e., approximately one-ninth of a grain of calomel.

Misbranding of the said santonin and calomel tablets was alleged for the reason that the statement, to wit, "Tablets Triturates * * * Calomel—1–8 gr.," borne on the label, was false and misleading.

Adulteration of the strychnine sulphate tablets and the codeine sulphate tablets was alleged for the reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that each of said tablets was represented to contain one-sixtieth grain of strychnine sulphate or one-eighth grain of codeine sulphate, as the case might be, whereas the former contained not more than 0.0138 grain, namely one-seventieth of a grain of strychnine sulphate, and the latter contained not more than 0.109 grain, namely, one-ninth grain of codeine sulphate per tablet.

Misbranding of the said strychnine sulphate tablets and the codeine sulphate tablets was alleged for the reason the statements, to wit, "Tablets Strychnine Sulphate * * * 1–60 Grain" and "Tablets Codeine Sulphate 1–8 grain," borne on the labels of the respective products, were false and misleading.

On December 10, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $500 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17842. Adulteration and misbranding of Lung Saver. U. S. v. 708 Bottles of Lung Saver. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25229. I. S. No. 5207. S. No. 3491.)

Examination of samples of a drug product, known as Lung Saver, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, and that it contained less chloroform than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On October 21, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 708 bottles of Lung